

**CLARK COUNTY
CLEAN WATER COMMISSION
Regular Meeting**

Wednesday, September 6, 2000
6:00 – 9:00 PM

Clark County Public Works Department
Conference Room
4700 NE 78th Street
Vancouver, Washington

Call to Order

Roll Call

Commission Members Present

Robert Agard, Willie Bourlet, Dana Kemper, Mary Martin
Don Steinke, Art Stubbs, and Peter Tuck

Commission Members Absent

Cal Ek, and Susan Rasmussen

County Public Works Staff

Bud Cave, Kelli Frost, Cindy Meats, Rod Swanson, and Earl Rowell

Clark County Community Development Staff

Ed McMillan,

Public

Judy Tietzel, Pat Nelson, and Harry Frieberg

Introduction

The members of the Clean Water Commission, Clark County staff and the public were introduced. Chair Commissioner, Mr. Agard, then called the meeting to order.

Agenda and Material Review

Mr. Rowell reviewed the material for the meeting.

Included are:

1. Notes from the 8/16/00 meeting.
2. A schedule for the remainder of the year.
3. The amended 7/19/00 meeting notes.
4. Notes from Commissioner Agard to the Board of County Commissioners, an e-mail from Don Steinke, a summary of BMP's (Best Management Practices) and an e-mail from Luann Coachman.
5. An Executive summary from the Wellhead protection program.
6. The Lake Sammamish study.
7. A list of information from the State 303d list.

8. A chart which reflects the progress of various appeals.

Mr. Rowell continued by outlining the process in which to appeal the Clean Water Fee:

1. A Request is made for an appeal form from the office of Public Works.
2. An appeal form is mailed.
3. The completed appeal form is sent to Public Works
4. Staff reviews and reports on appeal, it is then given to the Director of Public Works for evaluation.
5. The Director of Public Works reviews the material and approves or denies the appeal.
6. If approved, a certified letter is mailed stating the appeal has been approved and the conditions. (reduction of fee, waive fee, etc.)
7. If denied, a certified letter is mailed indicating reasons the appeal was denied. If they disagree with the director's findings the appellant has 14 business days, upon receipt of certified letter, to file an appeal, and pay a filing fee of \$642.28. An appointment will then be set up for a hearing.
8. If they disagree with the Hearings Examiner's ruling, the appellant will have the opportunity to appeal to the Board of County Commissioners or to some other legal action. *(to be determined)*

Commissioner Martin wanted to know why some appeals were denied.

Mr. Rowell provided the following examples regarding why some appeals were denied:

1. Appellant states: "I don't like the fee", and does not offer any explanation.
2. Appellant states: "The fee is too high", and does not offer any explanation.
3. Industrial and commercial operations state that they have less hard surface than originally calculated without any evidence to prove their claim.
4. Appellant claims to have an NPDES permit and/or claims they are practicing BMP's and indicate there is no storm water runoff on their facility. The ordinance states, that a fee shall be based on the amount of hard surface, it does not grant credits/reductions for practicing BMP's or for having an NPDES permit.

Mr. Stubbs asked questions regarding aerial photography:

- ◆ Is the aerial photography current?
- ◆ How do we get it?
- ◆ What is the cost and who pays for it?

Mr. Rowell provided the following answers:

- ◆ The aerial photography is the most current information taken late 1998 or early 1999. (After review with GIS, the aerial photography is from June 28, 1998.)
- ◆ The aerial photography comes from WDOT or, it is contracted through the City of Vancouver who hires a private consultant.
- ◆ The cost is billed back to the Department of GIS. Currently, we have the ability to use this information without paying for it (the cost of the flight).

Mr. Agard asked if there were any on site visits to properties in which the square footage was disputed?

Mr. Rowell explained that there have only been one or two on-site visits, because we cannot afford to send staff out on a routine basis to investigate every parcel in dispute. Typically, in cases of dispute, staff looks at the GIS information that outlines the amount of hard surface and parcel boundaries. If we believe the calculations are off, we will go in and re-review the account and ask GIS to do the same.

Mr. Bourlet requested that an aerial map be brought in to the next meeting for commissioners to review.

Comments from the Public:

Mr. Nelson, Columbia Rock and Aggregate: What is the definition of impervious surface?

Mr. Stubbs: Impervious surface would include a roof, driveway, walkway area, patio, and compacted earth.

Mr. Bourlet: Do gravel pits show up as an entirely impervious surface?

Mr. Rowell: Not necessarily, it is parcel specific.

Mr. Nelson: Would it be fair to say anything stripped of vegetation would be classified as impervious?

Mr. Rowell: It would be fair to say that an area which has been identified as a gravel pit, parking lot, roof tops, roadways, impacted areas such as dirt roads, areas in which you can see activity occurring, they are identified as areas of interest. Impervious surfaces are areas such as buildings, parking lots, roofs, or other surfaces that cannot be easily penetrated by water.

Ms Tietzel: I have filed an appeal for the property my brothers, and I own, and an appeal was filed for my mother's property. Some of my mother's fees were reduced and some were raised. My mother is worried that if we appeal to the Hearings Examiner they will raise our fees again.

Mr. Tuck: If an appeal to the Hearing Examiner were found in the appellant's favor, to reduce their fee, would they get the 642.28 returned?

Mr. Rowell: The filing fee would not be returned.

Mr. Steinke wanted to know if there were any plans to re-examine the ordinance?

Mr. Rowell: There has been talk about modifications to the ordinance. There are several places in the ordinance that, for technical reasons, as well as for clarification, need to be modified. Any comments regarding the ordinance, from the commission, are welcomed. Staff will be presenting any changes to the current ordinance to the Board of County Commissioners for their approval

Communications from the Public media and agencies

Mr. Rowell commented that recently we have had limited discussions with the media as well as with public agencies.

Notes from the previous meeting

The notes from the August 16th meeting were approved as amended.

Proposed re-organization of commission meetings

At the last meeting it was decided that the commissioners would meet on the first and third Wednesday of each month. The Commissioners are to decide the structure of these meetings.

After discussion, it was moved that the first meeting of the month would be a regular commission meeting. The second meeting will comprise of a work session for Commissioners. The public is invited to attend all meetings.

Commission meeting update subjects:

Mr. Rowell provided the Commissioners with examples of information that will be presented at future meetings. The following list can be modified as necessary:

- ◆ The Endangered Species Act.
- ◆ Washington Department of Ecology Reports.
- ◆ Tri-County work effort on Stormwater management.
- ◆ Lacamas watershed.
- ◆ River Rangers program.
- ◆ Watershed Stewards program.
- ◆ School Districts.
- ◆ Budget.
- ◆ Clean Water Fee/Appeal process.
- ◆ Legislative issues.
- ◆ Permit modifications.

Update on Watershed Stewards program

Mr. Agard updated the Commission on the Watershed Stewards program. Ms. Meats, Mr. Rowell and Mr. Agard met with a WSU representative and are proceeding forward.

Ms. Meats added that they have reviewed all the applications for the coordinator position and hope to interview the top three candidates soon.

Department of Ecology meeting

Mr. Steinke Informed the Commissioners that on October 3rd, WDOE is having a hearing at Foster Auditorium, Clark College, at 7:00 p.m. regarding persistent bio-accumulative toxins. The WDOE and the Governor are thinking of regulating them and are going to have a hearing open to the public.

Update on Mr. Steinke's recommendation

Mr. Agard: Mrs. Rasmussen has contacted the President of the Washington State Science Teachers and has talked to her about the, Stormwater Pollution Control Manual Pollution Control Practices for Households program, which Mr. Steinke suggested should be incorporated into school districts, grades seven through nine, as part of their education.

City of Vancouver's groundwater protection ordinance

Mr. Steinke: The City of Vancouver has a proposed groundwater protection ordinance. They are going to hire inspectors to enforce the codes on dumping.

Mr. Agard: we have groundwater protection programs in Clark county, around wellhead protection areas.

Mr. Rowell explained that it goes beyond wellhead protection areas and includes aquifer re-charge areas, which cover two-thirds of Clark County.

Water testing update

Mr. Swanson updated the group on a water-testing program. He located an Internet web site called W.O.W (Watch our Waters) which is a volunteer water monitoring web site. Further information will be presented at future meetings.

Public outreach update

Ms. Meats: There is a kiosk with a TV screen at the Papa Aldo's in Battle Ground which shows continual public service programs. This would be a good thing for kids to do for the clean water program. I am now trying to contact the person who runs this program.

Mr. Agard presented the Commissioners with an idea in which clean water posters are installed on the sides of fast food restaurants close to the drive-thru which would receive a great deal of exposure from the public.

Mr. Agard: Earl, would there somehow that we can give these fast food restaurants, that allow us to install posters on the side of their building, a donation credit or tax credit?

Mr. Rowell explained in the past, in lieu of tax credit or a reduction of their fee, we have given organizations public recognition, which from a marketing standpoint can be just as beneficial.

Incentives update

Mr. Stubbs: We may need to look into alternative funding to support an incentive program.

Mr. Kemper: What was the county road share total?

Mr. Rowell: Roughly \$1.7. . We were budgeted at \$1.3 million.

Mr. Rowell: I've been researching places to find out what kind of incentive programs different organizations have. Some agencies offer "in-kind" services. For example, Corps of Engineers offers technical services for their jurisdictions. There are also programs that offer zero percent and low interest loans, if you pay them back within 5 years. However, most of these programs require money up front. I've been in contact with Blacken Beach, Seattle, who has put together a survey on stormwater programs throughout the United States. If the Commissioners are interested, we could ask someone to give a presentation or work with one of the sub-committees on the subject of incentives and economic alternatives.

Formation of Sub-Committees

1. Science and Education – Ms. Rasmussen and Mr. Steinke
2. Community Outreach – Ms. Rasmussen and Ms. Martin
3. Incentives & Alternative Funding – Mr. Kemper, Mr. Bourlet and Mr. Stubbs
4. Budget: Mr. Ek, Ms. Martin, Mr. Tuck
5. Monitoring and Testing – Mr. Ek, Mr. Bourlet, Mr. Tuck, and Mr. Stubbs.

Mr. Agard will be involved in all sub-committees.

Meeting with the Board of County Commissioners

Mr. Kemper pointed out that there is only one more meeting before they go before the BOCC for a quarterly review. We should have some action items and time lines to present to the BOCC in October.

Appeal process

Mr. Rowell informed the Commissioners that approximately 55,000 people were sent clean water fee bills. The Department of Assessment and GIS, Environmental Services, Treasurers office and other County offices have received about 4,000 phone calls regarding their fee. Of those, there are 47 appeals on file. Twenty-eight appeals have been submitted to the Public Works Director for review. The Director has approved eight and denied 15 appeals. It is likely some appellants some may go before a Hearings Examiner.

Miscellaneous Items

Ms. Martin: What is your expectation of the sub-committees for the next meeting?

Mr. Agard: We should break into groups and brainstorm at the next meeting.

Mr. Agard: Any request from the sub-committees should go through Earl, to conserve staff time and money.

Next Steps

Next Meeting

The Clean Water Commission will hold a work session on September 20, 2000.

Adjourn

Commissioner Agard adjourned the meeting at 8:45 p.m.

H:\rowell\npdes\cwc notes September 6.doc

Respectfully submitted by Kelli Frost